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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON O. WATSON)	SPECIALLY APPEARING
Plaintiff,)	CAROLYN E. WRIGHT AND
)	BUCKLEY BROWN, P.C.'S
vs.)	ANSWER TO
)	COUNTERCLAIM FOR DAMAGES
)	
ROLLIN R. HEASSLER)	CASE NO. CV 08-01851 JCS
Defendant.)	
)	JURY TRIAL DEMANDED

Specially appearing, Carolyn E. Wright ["Wright"] and Buckley Brown, P.C. ["Buckley Brown"], file this Answer to Rollin R. Heassler's ["Heassler"] Counterclaim for Damages ["Counterclaim"] as follows:

FIRST DEFENSE

Heassler's Counterclaim, in whole or in part, fails to state a claim against Wright and Buckley Brown upon which relief may be granted.

SECOND DEFENSE

Heassler's Counterclaim against Wright and Buckley Brown should be dismissed because this Court lacks subject matter jurisdiction.

THIRD DEFENSE

Heassler's Counterclaim against Wright and Buckley Brown should be dismissed because this Court lacks personal jurisdiction over Wright and Buckley Brown.

FOURTH DEFENSE

Heassler's Counterclaim against Wright and Buckley Brown should be dismissed

1 because venue in this District is improper.

2 **FIFTH DEFENSE**

3 Heassler's Counterclaim against Wright and Buckley Brown should be dismissed
4 due to insufficient process and insufficient service of process.

5 **SIXTH DEFENSE**

6 Heassler's Counterclaim is barred by the doctrines of unclean hands, estoppel, and/or
7 inequitable conduct and dealings with Wright and Buckley Brown.

8 **SEVENTH DEFENSE**

9 No alleged breach of duty or other acts by Wright and Buckley Brown was a
10 proximate cause of any damages alleged by Heassler.

11 **EIGHTH DEFENSE**

12 Heassler's Counterclaim is barred by Heassler's failure to mitigate his damages.

13 **NINTH DEFENSE**

14 To the extent as may be shown by evidence through discovery which provides
15 factual or legal support, Wright and Buckley Brown assert and reserve the defenses of fraud,
16 illegality, exclusive remedy, accord and satisfaction, statutes of limitation and waiver.

17 **TENTH DEFENSE**

18 For its Tenth Defense, Wright and Buckley Brown answer the enumerated
19 paragraphs of Heassler's Counterclaim as follows:

20 **COUNTERCLAIM FOR DAMAGES**

21 1. Answering paragraph 1 of Heassler's Counterclaim, Wright and Buckley Brown
22 admit that Heassler has filed a countersuit for damages. Wright and Buckley Brown deny
23 the remaining allegations in paragraph 1.

24 **JURISDICTION AND VENUE**

25 2. Answering paragraph 2 of Heassler's Counterclaim, Wright and Buckley Brown
26 admit that Heassler's Counterclaim is based on state law claims. Wright and Buckley
27 Brown deny the remaining allegations in paragraph 2.

28 3. Wright and Buckley Brown deny the allegations in paragraph 3 of Heassler's

1 Counterclaim.

2 PARTIES

3 4. Wright and Buckley Brown are without sufficient knowledge or information to form
4 a belief as the truth of the allegations contained in paragraph 4 of Heassler's Counterclaim
5 and on that basis deny the allegations contained therein.

6 5. Wright and Buckley Brown admit the allegations contained in paragraph 5 of
7 Heassler's Counterclaim.

8 6. Wright and Buckley Brown admit that Carolyn E. Wright is an attorney admitted *pro*
9 *hac vice* in this action to represent Plaintiff Jason O. Watson. Wright and Buckley Brown
10 deny the remaining allegations in paragraph 6.

11 7. Wright and Buckley Brown admit that Buckley Brown is a Georgia Professional
12 Corporation established on September 6, 2007, and that its principal place of business is
13 2970 Clairmont Road, Suite 1010, Atlanta, GA 30329. Wright and Buckley Brown deny
14 the remaining allegations in paragraph 7.

15 8. Wright and Buckley Brown deny the allegations contained in paragraph 8 of
16 Heassler's Counterclaim.

17 FACTUAL ALLEGATIONS

18 9. Wright and Buckley Brown deny the allegations contained in paragraph 9 of
19 Heassler's Counterclaim.

20 10. Wright and Buckley Brown deny the allegations contained in paragraph 10 of
21 Heassler's Counterclaim.

22 11. Wright and Buckley Brown deny the allegations contained in paragraph 11 of
23 Heassler's Counterclaim.

24 FIRST CAUSE OF ACTION

25 12. In response to Paragraph 12, Wright and Buckley Brown re-allege and incorporate by
26 reference their previous responses to Paragraphs 1 through 11 of Heassler's Counterclaim as
27 if restated verbatim, including all defenses.

28 13. Wright and Buckley Brown deny the allegations contained in paragraph 13 of

1 Heassler's Counterclaim.

2 SECOND CAUSE OF ACTION

3 14. In response to Paragraph 14, Wright and Buckley Brown re-allege and incorporate by
4 reference their previous responses to Paragraphs 1 through 13 of Heassler's Counterclaim as
5 if restated verbatim, including all defenses.

6 15. Wright and Buckley Brown deny the allegations contained in paragraph 15 of
7 Heassler's Counterclaim.

8 16. Wright and Buckley Brown deny the allegations contained in paragraph 16 of
9 Heassler's Counterclaim.

10 THIRD CAUSE OF ACTION

11 17. In response to Paragraph 17, Wright and Buckley Brown re-allege and incorporate by
12 reference their previous responses to Paragraphs 1 through 16 of Heassler's Counterclaim as
13 if restated verbatim, including all defenses.

14 18. Wright and Buckley Brown deny the allegations contained in paragraph 18 of
15 Heassler's Counterclaim.

16 19. Wright and Buckley Brown deny the allegations contained in paragraph 19 of
17 Heassler's Counterclaim.

18 FOURTH CAUSE OF ACTION

19 20. In response to Paragraph 20, Wright and Buckley Brown re-allege and incorporate by
20 reference their previous responses to Paragraphs 1 through 19 of Heassler's Counterclaim as
21 if restated verbatim, including all defenses.

22 21. Wright and Buckley Brown deny the allegations contained in paragraph 21 of
23 Heassler's Counterclaim.

24 22. Wright and Buckley Brown deny the allegations contained in paragraph 22 of
25 Heassler's Counterclaim.

26 FIFTH CAUSE OF ACTION

27 23. In response to Paragraph 23, Wright and Buckley Brown re-allege and incorporate by
28 reference their previous responses to Paragraphs 1 through 22 of Heassler's Counterclaim as

1 if restated verbatim, including all defenses.

2 24. Wright and Buckley Brown deny the allegations contained in paragraph 24 of
3 Heassler's Counterclaim.

4 25. Wright and Buckley Brown deny the allegations contained in paragraph 25 of
5 Heassler's Counterclaim.

6 All allegations not specifically referenced are denied.

7 WHEREFORE, having fully responded to Heassler's Counterclaim, Wright and Buckley
8 Brown pray for relief as follows:

- 9 1. The Court inquire into this matter and dismiss Heassler's Counterclaim, casting all
10 costs upon Heassler;
- 11 2. Wright and Buckley Brown be awarded their attorneys' fees and costs; and
- 12 3. The Court to grant such other relief as the Court deems justice to demand.

13 This 14th day of July, 2008.

14 Respectfully submitted,

15 /s/ Carolyn E. Wright
16 Carolyn E. Wright
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18 Buckley Brown, P.C.
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21 Attorneys for Carolyn E. Wright and
22 Buckley Brown, P.C.

23 **Wright and Buckley Brown Demand Trial by Jury**

CERTIFICATE OF SERVICE

I certify that on July 14, 2008, I electronically filed

CAROLYN E. WRIGHT AND BUCKLEY BROWN, P.C.'S

ANSWER TO HEASSLER'S COUNTERCLAIM FOR DAMAGES

with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notifications to all counsel of record:

David P. Morales, Esq.

The Morales Law Firm

1414 Soquel Avenue, Suite 212

Santa Cruz, California 95062

This 14th day of July, 2008.

Respectfully submitted,

/s/ Carolyn E. Wright

Carolyn E. Wright

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